

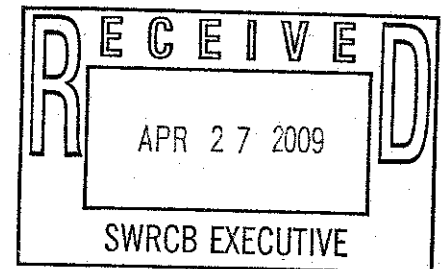


THE CITY OF SAN DIEGO

April 27, 2009

SENT VIA E-MAIL AND POST

Charles R. Hoppin, Chairman
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Chairman Hoppin and Board Members:

The City of San Diego (City) appreciates this opportunity to provide comments on the State Water Board's proposed Recycled Water General Irrigation Permit (Draft Permit). The City owns and operates two recycled water facilities with a combined treatment capacity of 45 million gallons per day. Currently, the primary application of recycled water in San Diego is for landscape irrigation with the balance primarily used for industrial processing and commercial cooling operations. As such, the final version of the State Board's General Permit could have far-reaching impacts on the success of our recycled water program.

We have reviewed the draft General Permit in detail and are truly overwhelmed by the requirements described therein. We find the draft requirements to be debilitatingly stringent and so onerous as to seriously threaten the viability of our operations. As such, I cannot envision the City ever seeking coverage under this General Permit if it were to be codified.

Rather than streamlining the permitting process, as was envisioned by AB 1481, the requirements contained within this draft General Permit seem intent on burdening the permit holder with pedantic activities to the point of crippling productivity.

It appears that the very premise of the General Permit is at question. Under the Water Code 13552.5, the responsibility of securing the permit was to be "a person" wishing to use recycled water for landscape irrigation. Yet, the second finding of the Draft Permit indicates that the general permit is no longer a "use permit" as it transfers all responsibility for water quality to the agencies. The permit is now intended for "Producers and Distributors of recycled water for landscape irrigation uses" which means that City, which is already responsible for the water quality leaving our treatment facilities, would bear the additional responsibility for water quality at each and every sprinkler head covered by the Draft Permit. This is simply untenable.

The Draft Permit requirements are more restrictive than the permit requirements for customers covered by an agency's Master Water Reclamation Permit. For example, the permit requires the



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Distributor to submit a very detailed Operations Plan that includes an emergency backup system. Irrigation systems do not need emergency back-up systems. The Operations Plan would also require a detailed accounting of the soil and recycled water characteristics as well as plant species requirements, climate conditions, fertilizer additions and impoundment management. The requirement for individualize management plans for each site is inconsistent with the Recycled Water Policy (Policy), which specifies that a plan may apply to multiple sites.

Additionally, the Draft Permit would require daily sampling of recycled water from each use area and posting of the collected data into a monthly report that the Producer would submit to the Regional Board. The Distributor is also expected to conduct weekly inspections following "irrigation events" and record all observations onto a use site log. In our opinion, however, the monitoring and reporting requirements are not only overly burdensome, but unnecessary.

The disagreement with the necessity of the proposed monitoring and reporting requirements mostly likely stems from another premise of the Draft Permit with which we disagree – the premise that recycled water is a waste instead of a valuable resource. A number of the findings and prohibitions in the Draft Permit suggest that recycled water is a water quality threat. Some of the discharge prohibitions in the Draft Permit are inconsistent with the Policy or Title 22.

In particular, Prohibition 4 restates Title 22's requirement that the recycled water is not for human consumption or to process food or drink for humans. Prohibitions 5 and 6 state that the General Permit does not apply to groundwater recharge reuse projects or cooling towers or other industrial uses, respectively. These provisions relate to circumstances outside of the landscape irrigation context, which is the subject of the Draft Permit. Accordingly, Prohibitions 4, 5, and 6 should be deleted and addressed in a separate, abbreviated and newly created finding addressing the scope of permit applicability.

Prohibition 8 would prohibit recycled water use where the California Department of Public Health determines there is a mere "concern" with constituents of emerging concern (CECs). It is not clear, however, what constitutes a concern. Moreover, Prohibition 8 is contrary to the Policy which states that the science related to CECs is insufficient at this time and calls for the establishment of a Blue Ribbon Panel to establish related policy. We recommend that the Draft Permit be consistent with the Policy and defer any CEC-related requirements until after the science-based process already underway is able to make its findings.

We call upon the State Board to withdraw the draft General Permit and convene a workgroup of stakeholders including Distributors and the WaterReuse Association members to craft a General Permit ensuring that the final draft reflects the intent of AB 1481, promoting the use of recycled water as a valuable resource through streamlining. The San Diego region imports up to 90% of its drinking water supplies. We need every tool available to us to ensure water supply reliability into the future, especially as we face reduced State Water Project deliveries. This is consistent with Governor Schwarzenegger's goal to reduce potable water usage by 20% by the year 2020.

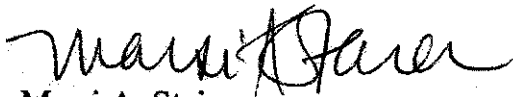
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Mr. Charles R. Hoppin

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Thank you for your consideration of our comments. Should you have any questions, please contact me at (619) 533-4112 or msteirer@sanidiego.gov.

With sincere regards,

A handwritten signature in cursive script, appearing to read "Marsi A. Steirer".

Marsi A. Steirer

Deputy Director

CP/cj